

Rechtsgeschichte Legal History

www.lhlt.mpg.de

<http://www.rg-rechtsgeschichte.de/rg29>
Zitervorschlag: Rechtsgeschichte – Legal History Rg 29 (2021)
<http://dx.doi.org/10.12946/rg29/157-165>

Rg **29** 2021 157–165

Emma Peplow*
Priscila Pivatto **

A Different Approach to Legislative Bodies: Reflections on the History of Parliament Oral History Project and Laws Around Abortion

* History of Parliament Trust, epeplow@histparl.ac.uk
** History of Parliament Trust, ppivatto@histparl.ac.uk

Dieser Beitrag steht unter einer Creative Commons Attribution 4.0 International License



In memoriam

Thomas Duve 22 Michael Stolleis (1941–2021)

Recherche research

- Marietta Auer** 30 What is Legal Theory?
- Thomas Duve** 41 Rechtsgeschichte als Geschichte von Normativitätswissen?
- Wolfram Brandes** 70 Byzantinische Rechtsgeschichte in Frankfurt – eine Bilanz

Early Modern Books in Motion
and the Production of Normative Knowledge

- Manuela Bragagnolo** 92 Books in Motion and Normative Knowledge Production in the Early Modern Iberian Worlds. An Introduction
- Pedro Rueda Ramírez** 100 Law Books in the Hispanic Atlantic World: Spaces, Agents and the Consumption of Texts in the Early Modern Period
- Idalia García** 115 Orden dentro del desorden: circulación de libros de derecho en Nueva España, 1585–1640
- Airton Ribeiro da Silva Jr.** 128 Magistrates' Travelling Libraries: The Circulation of Normative Knowledge in the Portuguese Empire of the Late 18th Century
- Natalia Maillard Álvarez** 143 Lectores de obras jurídicas en la Edad Moderna (Sevilla, siglos XVI–XVII)

Fokus focus

Oral History

- | | |
|--|---|
| Sigfrido M. Ramírez Pérez,
Stefan Vogenauer | 154 Using Oral Methods for European Legal History:
Methods, Sources, Projects |
| Emma Peplow,
Priscila Pivatto | 157 A Different Approach to Legislative Bodies:
Reflections on the History of Parliament Oral
History Project and Laws Around Abortion |
| Alfredo De Feo,
Michael Shackleton | 167 European Legislation and Politics as Seen by Former
Members of the European Parliament. A New Tool
for Researchers |
| Nina-Louisa Arold Lorenz | 175 A Summary: Portraying the Legal Culture and the
European Human Rights Culture of the European
Court of Human Rights and the European Court of
Justice through Interviews |
| Miguel Beltrán,
Daniel Sarmiento | 187 Making » <i>Un Tribunal para la Constitución</i> «:
A Documentary on the Creation and First Years
of the Spanish Constitutional Court (1980–1986) |

Fokus focus

25th Annual Forum of Young Legal Historians

Wouter De Rycke, Cornelis Marinus in 't Veld, Maxime Jottrand, Romain Landmeters, Stephanie Plasschaert	198	25th Annual Forum of Young Legal Historians: Introduction
Anna Iacoboni	200	<i>Libertas</i> as an Expression of Roman Identity in Cicero and Sallust
Stephen Hewer	211	Legal Identity and 13th-Century English Ireland
Federica Paletti	222	Appartenenze ed esclusioni. Dinamiche sulla cittadinanza nella Terraferma veneta tra XV e XVI secolo
Florian Reverchon	233	Citoyenneté et identités religieuses dans la doctrine allemande du droit public ecclésiastique au XIX ^e siècle. Aux sources intellectuelles du modèle allemand de sécularisation
Dóra Frey	245	Regulation of the Citizenship of Ethnic Hungarians Living Abroad: Ethnopolitics, Demographical Issues and Humanitarian Aspects – Bilateral and Unilateral Solutions

Forum forum

Martti Koskenniemi's *To the Uttermost Parts of the Earth*

- Thomas Duve** 258 »This is not a history of international law«.
A Brief Introduction into the Debate on Martti Koskenniemi's *To the Uttermost Parts of the Earth*
- Li Chen** 262 Reimagine International Law and Relations?
A Short Reflection
- Jean D'Asprémont** 265 Legal Imagination as Resistance
- Jean-Louis Halpérin** 267 Une histoire transnationale des imaginations nationales?
- Madeleine Herren** 269 No Esperanto for Law? A Fascinating Book Paves the Way for Future Investigations
- Tamar Herzog** 271 Alternative Pasts and Alternative Futures
- Amalia D. Kessler** 273 Beyond Texts: Institutions and the Historical Pursuit of Non-Elite Forms of Legal Imagination
- Jörn Leonhard** 275 Temporalität und Handlungsmacht: Zwei Anknüpfungen an Martti Koskenniemi
- Jessica M. Marglin** 277 Notes Towards a Socio-Legal History of International Law
- Cristina Nogueira da Silva** 279 Legal Imagination, the Power of Texts and Some Hidden Contexts
- Jean-Frédéric Schaub** 282 Sous-estimer l'imagination juridique de l'Europe du Sud?
- Gunnar Folke Schuppert** 284 Property Rights as a Governing Institution.
A Few Selected Remarks
- Inge Van Hulle** 286 The Comforts and Confines of the Legal Imagination
- Bartolomé Yun-Casalilla** 289 Contexts, Protagonists and Legal Imagination:
The Spanish Monarchy as a Reference for a Methodological Discussion
- Martti Koskenniemi** 292 Response – »Imagination begins at home«

- Caspar Ehlers** 298 Mit Tunnelblick durch Europas Wissenschaftslandschaft
Marcia Kupfer, Adam S. Cohen, J.H. Chajes (eds.),
The Visualization of Knowledge in Medieval and
Early Modern Europe
- Jesús Vallejo** 300 Las leyes sabias del Rey Sabio
Joseph F. O'Callaghan, Alfonso X, the Justinian
of his Age
- Christoph H. F. Meyer** 302 Was von christlichem Recht und Juristenleben
übrigblieb
Orazio Condorelli, Rafael Domingo (eds.),
Law and the Christian Tradition in Italy
- Manuela Bragagnolo** 306 Early Modern Books and Their Laws: Privileges
of Print in Renaissance Italy
Erika Squassina, Andrea Ottone (eds.), Privilegi
librari nell'Italia del Rinascimento
- Marek Starý** 309 Rechts- und Sprachtransfer in Mittel- und Osteuropa
Inge Bily et al., Sächsisch-magdeburgisches Recht
in Tschechien und in der Slowakei
- Daniel S. Allemann** 312 The School of Salamanca Under Scrutiny
José Barrientos García, La Facultad de Teología de
la Universidad de Salamanca
- Vincenzo Lavenia** 315 Teología della restituzione nell'America spagnola
Martín de Eusa, Controversia sobre la obligación
de reparar las injusticias
- José Luis Egío García** 317 Los conceptos de *aequitas* y *epieikeia* en la modernidad temprana
Lorenzo Maniscalco, Equity in Early Modern Legal
Scholarship
- François Jankowiak** 321 Les cardinaux dans tous leurs états à l'âge moderne
Mary Hollingsworth et al. (eds.), A Companion to
the Early Modern Cardinal
- Benedetta Albani,
Alexandra Anokhina,
Francesco Giuliani,
Anna Clara Lehmann Martins** 322 Reinterpreting the Counter-Reformation from the
Ibero-American Perspective
Macarena Cordero, Jorge Cid (eds.), Contrarreforma
católica

Kritik critique

- Pilar Mejía** 325 Inquisiciones como reacciones intermitentes
Donald S. Prudlo (ed.), *A Companion to Heresy*
Inquisitions
- Airton Ribeiro da Silva Jr.** 328 Histórias do saber jurídico a contrapelo
Mia Korpiola (ed.), *Legal Literacy in Premodern European Societies*
- Bertram Schefold** 330 Die theologischen Quellen von Wirtschaft und Recht bei Lessius
Wim Decock, *Le marché du mérite*
- Karl Härtter** 333 Oberste Richter im Spannungsfeld von Reichskammergericht, Kaiser und Reichssadel
Maria von Loewenich, *Amt und Prestige. Die Kammerrichter in der ständischen Gesellschaft*
- Alexander Kästner** 335 Urteilen über Suizid als soziale Praxis
Riikka Miettinen, *Suicide, Law, and Community in Early Modern Sweden*
- Heinz Mohnhaupt** 338 *Peregrinatio Academica* und Rechtskulturvergleich
Marianne Vasara-Aaltonen, *Learning Law and Travelling Europe*
- Miloš Vec** 340 Fashion Victims Everywhere?
Giorgio Riello, Ulinka Rublack (eds.), *The Right to Dress*
- Caspar Ehlers** 342 Predigen weltweit
Timothy J. Johnson et al. (eds.), *Preaching and New Worlds*
- Manuel Bastias Saavedra** 344 Conocimiento indígena y derecho en el México colonial
Alex Hidalgo, *Trail of Footprints. A History of Indigenous Maps*
Ana Pulido Rull, *Mapping Indigenous Land*
- Gilberto Guerra Pedrosa** 346 Eine Normativität des Imperiums und eine andere des Marktes am Río de la Plata?
David Freeman, *A Silver River in a Silver World*

- Bruno Lima** 348 Raça, escravidão e liberdade na história do direito
Alejandro de la Fuente, Ariela J. Gross, *Becoming Free, Becoming Black*
- Alain El Youssef** 351 Trazendo o Estado de volta à América Latina?
Marta Irurozqui (coord.), *El tribunal de la soberanía*
- Armando Guevara Gil** 353 A Continental View of Indigenous Peoples' Rights
Jonas Bens, *The Indigenous Paradox*
- Karla L. Escobar H.** 355 Gestionar la multiculturalidad y el arte de pensar la indigeneidad
Jean E. Jackson, *Managing Multiculturalism*
- Ron Harris** 357 Land Law Meets the Sea
Lauren Benton, Nathan Perl-Rosenthal (eds.),
A World at Sea
- Héctor Domínguez Benito** 359 Vitoria, Scott y el derecho internacional
Paolo Amorosa, *Rewriting the History of the Law of Nations*
- Murat Burak Aydin** 361 Beyond the Sharia and Codified Law Dichotomy:
From the Late Hanafi Tradition to Mecelle
Samy A. Ayoub, *Law, Empire, and the Sultan*
- Donald K. Coffey** 363 Kennst du das Land, wo die Mangos blühn?
Chintan Chandrachud, *The Cases that India Forgot*
- Gautam Bhatia** 365 To Constitute a Public
Madhav Khosla, *India's Founding Moment*
- Alexandra Woods** 367 Lawyers at the Front Line
Owen Rogers, *Lawyers in Turmoil. The Johannesburg Conspiracy of 1895*
- Pamela Alejandra Cacciavillani** 369 Partenze senza destinazione: storie ed eredità di un esilio intellettuale
Eva Elizabeth Martínez Chávez, *España en el recuerdo, México en la esperanza*

Kritik critique

- Massimo Meccarelli** 371 Legalità sostenibile
Malte Johannes Becker, Notverordnung und
Decreto-Legge
- Ruth Dukes** 373 A Forward-Looking History of the German Works
Constitution
Wolfgang Däubler, Michael Kittner, Geschichte der
Betriebsverfassung
- Leticia Vita** 375 *Teoría Pura del Derecho* y filosofía del derecho en el
siglo XXI
Matthias Jestaedt, Ralf Poscher, Jörg Kammer-
hofer (eds.), Die Reine Rechtslehre auf dem
Prüfstand
- Jean-Louis Halpérin** 377 De Bonn à Berlin
Uwe Wesel, Rechtsgeschichte der Bundesrepublik
Deutschland
- Hans-Peter Haferkamp** 379 Der Jurist als solcher
Inga Markovits, Diener zweier Herren.
DDR-Juristen zwischen Recht und Macht
- Matthias Schwaibold** 382 Monumentale Enttäuschung
Philipp von Schweinitz, Justizbauten als ästhetischer
Ausdruck des Rechts
- Philipp Schmitt** 385 The First Steps of Europe's Most Contested
Authority
Martin Thiele, Motor der Integration
- Anselm Küsters,
Anna Quadflieg** 387 Stell Dir vor, die EU regelt die Weltwirtschaft und
keiner sieht hin
Anu Bradford, The Brussels Effect
- Thorben Klünder** 391 The Age of a European Empire or the Time to
Jettison some Terminological Ballast?
Jürgen Junge, Imperium: Die Rechtsnatur der
Europäischen Union
- Thorsten Keiser** 393 Softes Recht und harte Politik
Philippe Pochet, A la recherche de l'Europe sociale

- Carine S. Germond** 395 Au-delà de la courbure des bananes – le pouvoir transformateur du droit européen
Kiran Klaus Patel, Hans Christian Röhl, Transformation durch Recht
- Mario G. Losano** 397 ¿»Sharia councils« para los musulmanes o »One Law for All«? El caso de Gran Bretaña
Paola Parolari, Diritto policentrico e interlegalità nei paesi europei di immigrazione
- Marietta Auer** 400 In weiter Ferne, so nah
Bruce A. Kimball, Daniel R. Coquillette, The Intellectual Sword
- Amber Rose Maggio** 405 Heimatlos
Mira L. Siegelberg, Statelessness: A Modern History
- Alessandro Somma** 407 Non solo razionalità economica. Stato e morale nel pensiero neoliberale
Jessica Whyte, The Morals of the Market

Marginalien marginalia

Johannes W. Flume 412 Constructing the Stock Exchange.
On the Rise and Fall of an Iconic Place
of Capitalism

Michael Widener 431 From Law Book to Legal Book:
The Origin of a Species

Abstracts 447 abstracts

Autoren 457 contributors

Abstract

The History of Parliament Oral History Project has been interviewing former Members of the UK Parliament since 2011. Life stories from inside Parliament reveal missing information about personal motivations, informal cross-party collaboration and use (and misuse) of procedure that helps to demonstrate both how the institution worked and the difficulties of writing and passing legislation. Oral history interviews can be used as a source to add different perspectives on legal history, encouraging researchers to challenge more traditional sources. The paper discusses memories of some controversial legislation where individuals have deeply-held beliefs: laws around abortion. This is an example of how oral history can be used to understand the complexities of the process of law making and *how things are done* inside an institution, while also providing some personal and human perspectives on Parliament.

Keywords: history of Parliament, House of Commons, oral history, politicians' life stories, abortion



Emma Peplow, Priscila Pivatto

A Different Approach to Legislative Bodies: Reflections on the History of Parliament Oral History Project and Laws Around Abortion

I. Introduction

Legal history studies have been working with a wide range of sources, subjects and methodologies in an effort to cover various perspectives and a plurality of legal experiences. One of many ways to approach legal history is to focus on institutions officially dedicated to law making: governments, tribunals and parliaments. More traditional sources for writing the history of these bodies would include documents like reports, debates, proceedings and votes. Oral history interviews can be used as a source to add different perspectives on these materials. Interviews with individuals formally involved in the creation and transformation of legislation can offer a deeper insight into how laws were made. Memories of these individuals' motivations, feelings and actions can give researchers a more intimate perspective of the state and can enrich our understanding of the conventions and negotiations that created the final legislation.

Focusing on the people who together make up an institution, the History of Parliament Trust (HPT) was founded in 1940 and has since produced thousands of biographies of parliamentarians covering more than three hundred years of British parliamentary history.¹ Following this approach, in 2011 the Trust, in cooperation with the British Library, began an oral history project. Over 175 life story interviews have been completed with former members of the UK Parliament that are largely available to researchers of all kinds.

This article will discuss the organisation and the structure of the History of Parliament Oral History Project, practical aspects of conducting interviews and some challenges and achievements that the project has faced through the years. The text is based on a presentation given at the workshop *Oral History of the European Court of Justice* held by the Max Planck Institute for European Legal History in 2018.²

II. Background

The founder of the History of Parliament Trust, Josiah Wedgwood, a Member of Parliament (MP) himself, initiated an innovative research project in the 1930s. He asked members of the 1885–1918 Parliament to answer a questionnaire about their lives and motivations. Wedgwood never completed the project, but his willingness to record MPs' »minds not deeds« was an inspiration for the History of Parliament's oral history project.³ Our main goal is to create a new archive for future researchers. Interviewing former MPs now is a way to create, collect and preserve their personal narratives about their lives and the history of the institution they were part of.

A sound archive of oral history interviews with mainstream politicians is still rare in Britain, a reflection of the »history from the bottom up« perspective of many UK oral historians.⁴ The methodology developed differently in the USA,

1 All work published up to 2010 is available on the History of Parliament Trust website www.historyofparliamentonline.org.

2 For more detail on many of the issues raised here, please see PEPLOW / PIVATTO (2019).

3 For more on Josiah Wedgwood's questionnaire, see BAINES (2012).

4 »Large numbers of political diaries, memoirs and autobiographies are readily available and much large-scale

research into the roles of the politician has been undertaken. However, interviews for these projects are rarely under the life story model and often anonymised. Many authors have used interviews with MPs as sources for their researches about Parliament and we could mention, among others, the works of Nirmal Puwar, Boni Sones and Donald Searing. Nevertheless, those authors were exploring specific topics through the interviews and did

not have a wide scope of a life story approach.« PEPLOW / PIVATTO (2019) 96.

where the first oral history projects featured interviews with members of the scientific, arts and political elites.⁵ In Europe the development of oral history was influenced by social and cultural history. Oral historians wanted to give voice to subjects who were underrepresented or not represented at all in the archives. Although for some time oral historians debated the merits of the two approaches and elite versus non-elite interviewing, now oral history is widely used to study a variety of topics and different subjects, from activists and community history to MPs and institutional history.⁶

Another difference in the two traditions is that in the USA oral history emerged as an archival practice, while in Europe it is rooted in the work of social historians. In creating an archive, the priority is to collect material to act as a complementary source for a wide range of researchers. For social historians, the chief concern is to create new historical narratives about everyday lives of people normally excluded from the archive. As the two traditions engaged with each other, the two practices gradually converged and both began to be understood through the ideas of shared authority and intersubjectivity, especially following the works of Michael Frisch, Luisa Passerini and Alessandro Portelli.⁷

The History of Parliament oral history project was designed with these perspectives in mind. The interviewees are undoubtedly part of a political elite, but this does not mean that they do not have *hidden stories* and experiences that are not recorded in traditional sources. Throughout there is a clear separation between the creation of the source, i. e. the interview itself, and the later uses and interpretations of the material. However, the interviews are not understood as a collection of static data or a *window into the past*. The interviews are narratives constructed in the encounter between interviewees and interviewers, where reflections about the past are drafted in the present, with awareness of the future.

Therefore, the memories recorded are told from the personal perspective of the interviewee, sharing events important to them and their personal feelings. Our project approaches oral history through a

»whole life story« methodology, exploring connections between an individual's life experience and significant historical events that are described using their own words. »A life story is the story a person chooses to tell about the life he or she lived, told as completely and honestly as possible, what the person remembers of it and what he or she wants others to know of it, usually as a result of a guided interview by another«.⁸ Thus, the History of Parliament oral history project is not a theme-oriented or community history project. It does not have a specific agenda; instead the interviews discuss every aspect of a politician's life.

III. The Sound Archive

The interviews are the central element of the project, but building a sound archive neither starts nor ends with them. Many decisions had to be taken before interviews could begin: how to select the interviewees; who the interviewers would be and how they would be trained; how long the interviews should be and where they should be held; which recording equipment to use; what accompanying material would be produced after the interview; the legal documentation required; and how to archive the material.

Considering the reflective and intimate nature of the project and the amount of time needed for life story interviews, the HPT project only interviews former MPs and not those currently sitting or actively pursuing a political career. We felt that the politicians would be more open to discuss their lives and experiences in the House of Commons if they had left the lower house some time ago and did not intend to return to it. There are around 950 living former MPs and, although in an ideal world the project would interview all of them, due to limited resources choices had to be made.

The project intends to create, capture and explore a variety of perspectives on parliament. We intend to include politicians from different backgrounds, genders, parties, constituencies, status and time spent in Parliament. Although all the interviews are individual life stories, they are connected through the common experience of being

⁵ SHARPLESS (2007) 12–19.

⁶ RITCHIE (2011) 5.

⁷ GRELE (2007) 34–54.

⁸ ATKINSON (2001) 125.

an MP and give different perspectives on similar topics.

Since 2011, 380 former Members have been invited to take part in the project and 241 agreed to be interviewed. The project has now completed over 175 interviews. In general, there is a party and gender balance that matches the historic composition of the House of Commons. We have conducted interviews with 146 men and 32 women. We have interviewed 82 Conservatives, 73 Labour Members, 20 Liberal/Social Democrat/Liberal Democrat, one Ulster Unionist, one Scottish National Party and one independent MP. It is essential for the project to keep this balance while covering a broad range of individuals, and the project organisers keep these aims in mind whilst choosing who to invite to interview. At the start, the project also prioritised older Members. The majority (105) entered Parliament for the first time before or in 1979; 72 were elected between 1981 and 1997 and only one got his first seat after 1997. Most of them (117) left the House before or during the 1997 election. More recently, the age criteria has been less important than the more practical consideration of the interviewees' location. In a nationwide project with a small budget, it is more efficient to choose those based close to the interviewers.⁹

The project's interviewers are mostly volunteers, recruited mainly among people with experience in oral history, or with close knowledge of late twentieth century British politics. In association with the British Library, the project has trained around forty interviewers, which include postgraduate students, academics, journalists, archivists and parliamentary staff. Usually they have one full training day in a small group and later they are advised on a one-to-one basis. For each interview they are given details about their interviewee and a reading list of background research materials. Methodological issues are discussed in group follow-up sessions and through individual feedback evaluations, with the intention to keep the interviews in accordance with project guidelines.

One of the challenges of having a large scale oral history project is working with many different interviewers. The relationship between the interviewee and the interviewer is one of the most important elements in an oral history interview.

Working with a group of interviewers adds a layer of diversity to the archive, and although there is an attempt to keep it consistent through semi-structured interviews, each interviewer will of course have their own style.

Despite of that, all the archive interviews are based on a common list of topics prepared by the project organisers. This is not a strict questionnaire, and there is no sort of data-collection exercise. Instead, the project has a flexible schedule of questions divided in four sections: a) before Parliament, about their early lives, family and education, how they got involved with politics and how they became an MP; b) Parliament, exploring their daily lives in the Commons and how they approached the job of being an MP; c) government, discussing their experience of being a minister or a whip; d) and after Parliament, reflecting upon electoral defeat or a decision to stand down and readjustment to life outside Westminster.¹⁰ No single set of questions would be enough to cover the interviewees' wide variety of life experiences, thus the topics are broad and open-ended, allowing the interviewee to take charge of the narrative and leaving space for the interviewer to adapt their approach and prepare tailor-made questions. The interviewee does not have access to the questions at any point.

Therefore, the interviews can vary considerably in length and content. Although the average interview is four and a half hours in total and is usually recorded over two sessions, there are interviews as long as twenty-four hours and a couple that are shorter than an hour. Some interviewees, especially the ones still active in the House of Lords, only had a short amount of time for the interview. Others were too ill to talk for hours. Sometimes the relationship between the interviewee and interviewer simply did not work. Unfortunately, at times these limitations just have to be accepted.

It is expected that the interview will be held over multiple sessions, which occur if possible on different dates. A good life story interview needs a good rapport between interviewer and interviewee and time helps to mature their relationship, allowing the interviewee to relax and open up more during the process. Multiple sessions also enable reflection after each session and the opportunity to return to

⁹ PEPLOW / PIVATTO (2020) 3–4.

¹⁰ PEPLOW / PIVATTO (2019) 96–97.

themes or incidents that were not explored in earlier meetings.

The project leaders recommend that the interview takes place at the former MP's home. Generally, being at home in their own environment and a comfortable atmosphere encourages the interviewees to talk. This also distinguishes the oral history interview from other types of interviews, especially from journalistic and social science interviews, and helps the interviewee relax and tell their own story. A small number of interviews were held in offices, particularly in the House of Lords. Although these interviews tend to be more professional and susceptible to interruptions, in most of the cases the location did not harm the interview, the exception being when the interview took place in a public area such as clubs, shared offices or hotel lobbies, where there was too much background noise and interference.

Another central element for the rapport between interviewer and interviewee and for the success of the project as a whole is the legal and ethical arrangements. The interviewers and project leaders have a duty of confidentiality and a responsibility to share details of the project's aims and the intended use of the recordings with the interviewee. Before the interview the interviewee must sign a participation agreement form and when the interview is finished both interviewee and interviewer must sign a recording agreement form, covering copyright and access conditions. As a general rule, the copyright in the recording and accompanying summary is assigned to the History of Parliament Trust. The interviewees can close sections or the entire length of their interview for a defined amount of time, but requests to delete parts of the interview or close extracts forever are not possible. The interviewers and project leaders can also recommend closures in case of libellous or sensitive information involving third parties. So far a very small number of the project interviews are closed or have access restrictions. Of course, oral history projects should also follow legal requirements on data protection.¹¹

Alongside the legal agreements and the recording itself, the third key document for any oral history project is the transcription or summary

produced after the interview. This is essential to make the interviews accessible to future researchers who did not participate in the process of the interview but want to use them as sources. The History of Parliament oral history project creates time-coded summaries that can be searched for topics of interest or keywords, following British Library guidelines and opening up the interviews to others. The summary is not a full transcription, but it covers the content of the interview, indicating topics, names, places and events discussed.

Although the History of Parliament project makes sure that these summaries are prepared as an archival tool, the interviews are not a written source and should not be treated as one. The way an interviewee tells a story is important: the accent, tone of voice, pauses, rhythms, hesitations, crying, laughs, the interaction with the interviewer, all these details are important and part of the narrative. The project is trying to record memories of events, but does this by collecting voices, not just words.

Given the value that is placed on the recording itself, the audio quality is a critical issue. To be archived in the British Library they must be recorded as Waveform Audio File files and the Library recommends the use of H5 Zoom recorders with lapel microphones. The interviewers need to be trained to use the equipment correctly. Whilst in recent years some projects have introduced cameras and filming into their interviews, the History of Parliament oral history project neither has the resources to do so nor believes video greatly adds to the source. Whilst it is interesting to capture facial expressions and the body language of the interviewee, a camera can be intrusive and make it harder to develop a good relationship with the interviewer, harming the quality and openness of the words spoken. Instead the HPT illustrates its collection with photographic portraits.¹²

IV. Oral Histories and Abortion Legislation

All of the above organisational decisions were made because of the HPT's commitment to create

¹¹ The Oral History Society issued a guide about Data Protection available at: <https://www.ohs.org.uk/advice/data-protection/>.

¹² FOGERTY (2007) 212–213.

an original historical archive of sources made with the informed consent of the interviewee. Projects such as this, interviewing people with higher status in public institutions – who have probably had media and legal training and who are already part of the historical archives – face special complications in achieving this goal. Parliamentarians, judges, ministers and other public figures are used to having their words recorded and might be more conscious about opening up during an interview. Also, their lives might be already well documented, making it harder for the interviewer to go beyond their own rehearsed stories. In our recent publication we discuss in detail these two main issues: »legacy building« and repeating »practised narratives«.¹³ Yet, oral history can be an important research tool to challenge and expand historical narratives.

This oral history project helps to emphasise that Parliament is not just a state institution, but a living one with its own practices and cultures. The plural narratives created and collected by the project reveal many different individual experiences of law making. These may not appear in traditional sources but feature strongly in our sound archive.

The various roles an MP plays is a topic discussed in depth during these interviews,¹⁴ but there is no doubt that passing, scrutinizing and opposing legislation is at the heart of an MP's role and a way they, as individuals, can make a difference in the world.¹⁵ Social legislation was one issue very important to MPs and many interviewees remember drafting and debating these laws. For the remainder of this paper we will discuss memories of some controversial and deeply personal legislation: laws around abortion. This is an example of how oral history can be used to understand the complexities of the process of law making and *how things are done* inside an institution, while also providing some personal perspectives on Parliament. Included here are memories of the Abortion Act 1967, which legalised abortion on certain grounds, and of later amendments or attempts to amend this law in the late 1980s and 1990, includ-

ing aspects of the Human Fertilisation and Embryology Act 1990.

The Abortion Act of 1967 was not introduced as part of the then government's legislative programme, but was proposed by the Liberal MP David Steel as a private member's bill and supported by the government.¹⁶ Although MPs might be involved in campaigns and disputes over legislation throughout their careers, there are practical elements that can be more important to the passage of a law, including luck. David Steel was lucky enough to be able to propose the legislation after placing highly in the Speaker's ballot for private members' bills, meaning that he would have the parliamentary time to introduce, and possibly pass, legislation of his choice. Although abortion was and remains a controversial issue, David Steel decided that it was the right time to propose it. Here is how he remembers the occasion:

»Luck was involved ... in drawing number three in the Speaker's ballot for Private Members' Bills. If that hadn't happened I would not have been able to present the Abortion Reform Bill. I was the seventh, I think, MP since the war who tried to get the law changed. All previous attempts had failed not because of lack of support but because of lack of time. ... What happened was I then got lobbied by various groups. The three most vociferous were the Abortion Law Reform Association, the campaign for homosexual equality and the plumbers registration [*laughs*]. To this day I don't know if the plumbers ever got registered. ... The Abortion Law Reform Association had actually the best case, partly because the bill had already gone through the House of Lords – it was waiting to be picked up in the Commons – and partly because at the election I had received all the bumpf from these organizations, and I had ticked the box to say if elected I would support reform of the law. ... Having said I would support it, given the opportunity actually to do something about it was not something I

¹³ PEPLow/PIVATTO (2019) 98–101.

¹⁴ PEPLow/PIVATTO (2019) 101–103.

¹⁵ PEPLow/PIVATTO (2020) 136–148.

¹⁶ At the start of each new parliamentary year, backbench MPs enter the Private Member's Bill ballot, the

winners' bills take priority when time is allocated for debates. For more on Private Members' Bills, see PATRICK/SANDFORD (2012).

could miss. ... It was quite difficult. One or two of my key supporters were Catholics and therefore totally opposed to what I was doing. ... It was quite a tricky period. I didn't decide right away.«¹⁷

The participation of lobby and pressure groups was crucial to the development of social legislation. For the MPs proposing a private member's bill, often without the support of the government or civil service, it was efficient to work together with groups that had been drafting and lobbying for legislation for many years. For the MPs scrutinizing legislation, lobbying could help them to formulate arguments and deepen their own understandings on an issue. The Conservative MP Jill Knight comments on being lobbied about the Abortion Bill by two local doctors. Before the meeting she remembers being likely to abstain, but after an hour and a half with them she became a strong voice against the Bill.¹⁸

As with many pieces of legislation, the approval of the Abortion Bill relied on cross party collaboration. Although introduced by a Liberal, it was the Labour MP Peter Jackson who acted as a *whip* and became a strong organiser and supporter of the bill. Cooperation among parties could be vital to pass legislation. It could operate informally, based on personal arrangements, or be more organised through all-party parliamentary groups. Many interviewees also remembered that their knowledge of procedure could be a key tool to pass or oppose bills, and filibustering could block legislation even if the bill had significant support. Peter Jackson described in his interview why he was known as *rent-a-whip* during the procedures of the Abortion Bill:

»What I did [to support David Steel's Private Member's Bill for abortion reform], with a man called Alistair Service, who was the lobby officer for ALRA [Abortion Law Reform Association] we interviewed Members of Parliament who we thought would be sympathetic. Obviously David would give us the commitment on the

Liberal Members. ... There were a few Conservatives who were helpful. ... The [opposition] had twenty-eight, that's all they could bloody muster. We had treble figures. We had a massive majority in terms of the composition of the [bill] committee. I was a fool. I said we should hear the arguments on the other side. ... I was the whip, so it was my role to let them speak, and for us to vote down their amendments. ... My objective was to get through the committee stage as soon as possible. We had to get into the third reading and not to lose time. An effective filibuster was put up. ... This in my view was my most successful parliamentary activity. I was known as rent-a-whip, that was what I was called. ... I was able to get a large number of Labour Members, with, I understand, the support of [Home Secretary] Roy Jenkins, [to call for extra time]. In cabinet there was a lot of support for additional time. ... All that bloody Wilson could do was to say how many seats in the North West the Labour government would put at risk. He wasn't interested in women, he was interested in majorities. But there were enough members to overrule him.«¹⁹

By the late 1980s abortion was still controversial in Parliament and there were several attempts to amend the law. The Conservative MP Ann Widdecombe described the importance of the dynamics and culture inside Westminster to the passage of legislation. Here is her testimony about the strategies and tactics of the pro-life MPs:

»I was always, always very pro-life. ... I made a speech. ... The Chamber was packed out, gallery was packed, everybody wanted to speak. I was a new Member; I was very, very surprised that I was called, but I was called. I made a speech and that impressed David Alton [MP for Liverpool Mossley Hill, leader of the anti-abortion campaigns] sufficiently that he asked me to be a teller. In those days it was still only radio, ... but he wanted a woman's voice reading the result. ... That really was the beginning of cooperation

¹⁷ Interview with David Steel, interviewed by Mike Greenwood, HPTOHP, Politics, BL, catalogue reference C1503/55 [00:28:10–00:31:30].

¹⁸ Interview with Jill Knight, interviewed by Mike Greenwood, HPTOHP, Politics, BL, catalogue reference C1503/0014 [00:31:34–00:33:50].

¹⁹ Interview with Peter Jackson, interviewed by Sandy Ruxton, HPTOHP, Politics, BL, catalogue reference C1503/0046 [2, 00:08:40–00:14:05].

between myself and David Alton. ... After that I started to get involved in the mechanics of the campaign, both in the country and in Parliament. David asked me to sit on the committee on his bill ... and that was my first experience of real controversial committee work. ... [Committees are] very different on Private Members' Bills, where you really are genuinely fighting it out. The tactics, parliamentary tactics that went on, were huge. I learned a lot about tactics; I learned a lot about the mechanics of committees, about organization, about taking decisions. ... Major decisions ... had to be taken, as well as tactical decisions, how you played things. What [amendments] you wanted to come back for report stage so the whole House would have a go at it, what you wanted to get disposed of in committee. ... Probably the most interesting committee I ever served on. ... We knew that they would try to frustrate either report stage by tabling thousands of amendments so that we were talked out, ... or they would ... lay innumerable petitions. ... We knew they would do something.²⁰

Oral history interviews also reveal the pressures faced by MPs when deciding their position on a piece of legislation. They had to consider their party, their personal ambitions and principles as well as the views of the constituents they represented. Especially in cases of conscience, like abortion, many MPs faced dilemmas as both lawmakers and representatives of a constituency. Conservative MP David Price asked: »Do you follow your own conscience, or try to discern the will of a divided public?«²¹ The Conservative MP Edwina Currie described how important it was to debate the issue of abortion with her constituents:

»When you win the trust of your constituents what comes forward then is invaluable. It is political gold dust it is. You can't gather it in

handfuls but it creeps in ways that make your language authentic, your sensitivities absolutely spot on, your knowledge well ahead of many of the pundits. ... I would ask constituents to organize a meeting. I would say that I wanted to ask their opinion and I meant it. I would go back to Westminster full of admiration for them. One example was abortion law reform. I know my views, but I need to know theirs. I remember going to a meeting of the Mother's Union and [explaining] the proposals. ... They said, »We've talked about this with our families. We want the law as generous as possible.« »Why? You surprise me. Why?« »Well, it could be our daughters, couldn't it? We don't want to see their lives ruined for a mistake. That's your sentence [to use in debate]: you don't want to see their lives ruined for a mistake. I said, »It's a free vote and my instinct is to vote for twenty-four weeks. ... How does that go with you?« They said that's fine, so that's what I did. I spoke in that debate and I was able to express the view of good women.²²

The relationship between an MP and their local party or constituents could be especially sensitive in marginal seats. Labour MP George Foulkes remembers a heated debate in his constituency party about abortion between a pro-life group of Catholics and pro-choice supporters. After some debate they agreed that Foulkes as the MP should make his own decision. Foulkes says it felt good »first of all to consult them, they liked that, but then for them to have the confidence that they were letting me make my own mind up«.²³ However, in other places constituents and party members were not so forgiving. Although Labour MP Hillary Armstrong argued that »you've got to do what you think is right«,²⁴ some MPs had to face the consequences of voting against the wishes of vocal groups of constituents, such as the Labour MP Eric Moonman:

20 Interview with Ann Widdecombe, interviewed by Simon Peplow, HPTOHP, Politics, BL, catalogue reference C1503/176 [4, 00:22:15–00:27:40].

21 Interview with David Price, interviewed by James Freeman, HPTOHP, Politics, BL, catalogue reference C1503/19 [1, 01:06:10–01:09:40].

22 Interview with Edwina Currie, interviewed by Henry Irving, HPTOHP, Politics, BL, catalogue reference C1503/163 [2, 00:46:10–00:48:30].

23 Interview with George Foulkes, interviewed by Alison Chand, HPTOHP, Politics, BL, catalogue reference C1503/159 [1, 01:41:05–01:42:35].

24 Interview with Hillary Armstrong, interviewed by Emma Peplow, HPTOHP, Politics, BL, catalogue reference C1503/103 [2, 01:15:10–01:16:00].

»There was an issue which I was supporting with Leo Abse on abortion. ... I had a group of people from the Catholic Church came in on Friday night surgery. They were very polite, they told me about this, and I listened to them. They said, ›We don't expect you to decide now but we want you to think about it. I said, ›OK, well, you know I have made speeches [in favour].› Yes, of course. One was a priest and the rest were very kind. They went out and then after they'd gone, because I used to sit by myself, there was a knock on the door in the council offices and the priest put his head round the door and he [gave me a petition]. He said, ›We forgot to give it to you, here it is, you needn't count the numbers, its 1,603. My majority was 1,602 [laughs]. That's what I often say that's probably why I lost the bloody seat because I didn't do what he wanted, but that was quite funny.«²⁵

Throughout these interviews memorable stories and very personal experiences emerge from the MPs' narratives. Interviewees can be emotional when remembering their motivations and the decisions they made, allowing researchers to go beyond more prosaic written sources. The anecdotes they tell and the explanations they give for their actions paint a more colourful picture of British political history. Liberal Democrat MP Jenny Tonge described how international development became her passion, particularly access to contraception and legal abortion across the developing world, because »What we really had to fight for was women's autonomy, women's empowerment, ... but you can't be empowered unless you've got power over yourself«.²⁶ Peter Jackson told a vivid story, and his voice breaks when he remembers the case of one of his constituents who was sentenced for illegally performing abortions. He then met her husband and children:

»My mind on the abortion issue was very much concentrated by – I could strangle the man – a judge who gave a woman a long jail sentence [for carrying out an abortion.] I sounded off in Parliament. I don't know what I did but I made the lead story in the Sheffield newspapers, which surprised me, in criticism of this particular judge. As a result of this, I was put in touch with a working-class man who was the husband of the lady who was sent to prison for I think it was four years. I went to see him and he had three kids and he wasn't skilled in childrearing and he was devastated by this. I felt very sorry for him [voice breaks] I can still see it now. That concentrated my mind, like nothing, to see a family's life being destroyed by a shit judge. If you ask me what was my most important contribution it would be my role in bringing about rights for women which they never had before, and hopefully not sending women to prison [for abortion].«²⁷

V. Conclusion

The history of the British Parliament is not just a list of elections and legislation, but one of individuals who often had complicated motivations and rich personal experiences. The History of Parliament oral history project is an effort to expand and deepen our understanding of the UK Parliament and some of the people that made the institution: the MPs. Memories from inside Parliament reveal missing information about motivation, informal cross-party collaboration and use (and misuse) of procedure that helps to demonstrate how the institution actually worked. By having access to those memories, we can better understand how individuals shaped, and were shaped by, Parliament, as well as the variety of approaches to law-making.

25 Interview with Eric Moonman, interviewed by Rosa Gilbert, HPTOHP, Politics, BL, catalogue reference C1503/33 [01:02:55–01:04:40].

26 Interview with Jenny Tonge, interviewed by Florence Sutcliffe-Braithwaite, HPTOHP, Politics, BL, catalogue reference C1503/148 [1, 00:16:00–00:17:25].

27 Interview with Peter Jackson, interviewed by Sandy Ruxton, HPTOHP, Politics, BL, catalogue reference C1503/0046 [2, 00:15:45–00:18:00].

The project will continue to grow and evolve, and the HPT still hopes to interview every former MP, although the task grows with each general election. Whilst there are certainly issues that emerge from interviewing those so used to being under public scrutiny, the archive is rich in details that cannot be gleamed elsewhere and encourages

researchers to challenge more traditional sources. Instead of the final legislation our focus is on the human dimension of the UK Parliament, which depicts a very different legislative body than traditionally understood.



Extracts in this article are taken from the History of Parliament Oral History project with kind permission of the History of Parliament Trust. The collection is archived in the British Library's sound archive with the reference C1503 and some recordings are also available online: <https://sounds.bl.uk/Oral-history/The-History-of-Parliament-Oral-History-Project>

Bibliography

- ATKINSON, ROBERT (2001), The Life Story Interview, in: GUBRIUM, JABER F., JAMES A. HOLSTEIN (eds.), *Handbook of Interview Research: Context and Method*, London, 120–140
- BAINES, PRISCILLA (2012), Colonel Josiah Wedgwood's Questionnaires: Members of Parliament, 1885–1918, London
- FOGERTY, JAMES E. (2007), Oral History and Archives: Documenting Context, in: CHARLTON, THOMAS L. et al. (eds.), *History of Oral History: Foundations and Methodology*, Lanham, 197–226
- GRELE, RONALD J. (2007), Oral History as evidence, in: CHARLTON, THOMAS L. et al. (eds.), *History of Oral History: Foundations and Methodology*, Lanham, 33–91
- PATRICK, SIMON, MARK SANDFORD (2012), Public Bills in Parliament, in: House of Commons Library Background Paper, SN/PC/06507
- PEPLow, EMMA, PRISCILA PIVATTO (2019), Life stories from the House of Commons: the History of Parliament oral history project, in: *Oral History*, 47,2, 95–105
- PEPLow, EMMA, PRISCILA PIVATTO (2020), The Political Lives of Postwar British MPs: An Oral History of Parliament, London
- RITCHIE, DONALD A. (2011), *The Oxford Handbook of Oral History*, New York
- SHARPLESS, REBECCA (2007), The History of Oral History, in: CHARLTON, THOMAS L. et al. (eds.), *History of Oral History: Foundations and Methodology*, Lanham, 9–32